

Current Class: UNCLASSIFIED
Current Handling: n/a
Document Number: 1982BUENOS04677

Page: 1

Channel: n/a

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PAGE 01 BUENOS 04677 121837Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 CIAE-00
DODE-00 H-01 IO-15 NSC-01 NSAE-00 HA-08 L-03
PM-09 PA-02 ICAE-00 SP-02 SPRS-02 /087 W
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P R 121608Z AUG 82
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 4749
INFO USMISSION USUN NEW YORK
USMISSION GENEVA

UNCLAS BUENOS AIRES 4677

E.O. 12065: N/A
TAGS: PINS, SHUM, AR
SUBJECT: GUSTAVO WESTERKAMP, 28 OTHER PEN PRISONERS
TO BE FREED

REF: BA-4156

1. THE INTERIOR MINISTRY AUG 11 ISSUED A DECREE FREEING
29 MORE POLITICAL PRISONERS ON PAROLE (LIBERTAD VIGILADA).
INCLUDED IN THE GROUP ARE GUSTAVO WESTERKAMP, SON OF INTER-
NATIONALLY RENOWNED PHYSICIST AND HUMAN RIGHTS
LEADER JOSE WESTERKAMP, AND A WOMAN WHOM THE SUPREME COURT
RULED LAST WEEK WAS UNJUSTLY DETAINED AND SHOULD BE RELEASED.
THE 29 WILL ACTUALLY GAIN THEIR FREEDOM IN THE NEXT FEW DAYS,
FOLLOWING ADMINISTRATIVE PROCESSING. MR. AND MRS. WESTERKAMP
WHO LEFT AUG 12 FOR RAWSON WHERE GUSTAVO HAS BEEN HELD FOR
MUCH OF HIS NEARLY SEVEN YEARS OF IMPRISONMENT, TOLD THE
EMBASSY THEIR SON PROBABLY WILL RESUME UNIVERSITY STUDIES
IN ECONOMIC SCIENCES.

2. THE CAUSE OF GUSTAVO WESTERKAMP, NOW NEARLY 30,
HAS BEEN THE SUBJECT OF AN INTENSE CAMPAIGN OVER THE
YEARS BY HUMAN RIGHTS MOVEMENTS IN THE US AND EUROPE,
UNCLASSIFIED

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PAGE 02 BUENOS 04677 121837Z

PROMOTED BY HIS FAMILY AND HUMAN RIGHTS ORGANIZATIONS
HERE. HE WAS ARRESTED IN EARLY 1975 ON SUSPICION OF

Current Class: UNCLASSIFIED

Page: 1

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JR

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s): _____

Declassify: ☐ In Part ☐ In Full

☐ Classify as ☐ Extend as ☐ Downgrade to _____

Date _____ Declassify on _____ Reason _____

Current Class: UNCLASSIFIED
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Document Number: 1982BUENOS04677

Page: 2
Channel: n/a

SUBVERSIVE ACTIVITY, BUT A FEDERAL COURT JUDGE RULED THE STATE'S EVIDENCE AGAINST HIM DID NOT HOLD UP AND HE WAS THEREFORE RELEASED. TEN MONTHS LATER, ON OCT 21, 1975, POLICE ACTING ON ORDERS FROM THE THEN CONSTITUTIONAL GOVERNMENT OF ISABEL PERON REARRESTED HIM BUT BROUGHT NO OFFICIAL CHARGES. THE FAMILY WAS TOLD INFORMALLY THAT HE WAS A "SUBVERSIVE DELINQUENT"; GUSTAVO WAS AT THE TIME A UNIVERSITY STUDENT IN ECONOMIC SCIENCE. ON MARCH 12, 1976, ANOTHER FEDERAL JUDGE ORDERED HIM RELEASED FOR WANT OF EVIDENCE. TWELVE DAYS LATER THE ARGENTINE MILITARY TOOK OVER THE GOVERNMENT BY COUP AND THE CASE OF WESTERKAMP WAS NEVER CLARIFIED, EVEN THOUGH THE FAMILY FINALLY GO IT BOURGHT BEFORE THE COURT LAST SEPTEMBER.

3. YOUNG WESTERKAMP HAS BEEN HELD AT RAWSON OVER THE YEARS WITH NO CHARGES HAVING BEEN FORMALLY BROUGHT. THE FAMILY'S EFFORTS TO MARSHAL INTERNATIONAL OPINION IN SUPPORT OF THE SON'S RELEASE CULINATIED LAST MONTH WHEN THE FATHER ON AN AUTHORIZED VISIT TO HIS SON, WAS DETAINED FOR SEVERAL DAYS FOR SHOWING DISRESPECT TO A FEDERAL JUDGE IN RAWSON; JOSE FEDERICO HAD ACCUSED THE MAGISTRATE OF DOING NOTHING TO IMPROVE CONDITIONS AT THE PRISON WHERE GUSTAVO AND OTHER POLITICAL PRISONERS WERE LODGED.

.. ON OF THE 29, CELIA ADIRANA MARINO, WAS ORDERED RELEASED OR BE GIVEN THE OPTION TO EMIGRATE BY A SUPREME COURT DECISION ON AUGUST 6. MS. MARINO WAS DETAINED ON JAN 23, 1975 ON CHARGES OF SUB-
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UNCLASSIFIED

AGE 03 BUENOS 04677 121837Z

ERSIVE ACTIVITIES. THE COURT DECISION ORDERING HER RELEASE WAS BASED ON THE FACT THAT MS. MARINO WAS INDICTED AND ACQUITTED IN LA PLATA CITY COURTS IN 1978. MOREOVER, ON FOUR OCCASIONS THE PRISONER HAD REQUESTED PERMISSION TO LEAVE THE COUNTRY BUT HER APPEALS HAD BEEN DENIED.
HLAUDEMAN

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Current Class: UNCLASSIFIED

Page: 2